

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WILBERT EUGENE HACKLEY,

Plaintiff,

v.

DAVID J. EBBERT, *et al.*,

Defendant.

CIVIL ACTION NO. 3:CV-16-171

(JUDGE CAPUTO)

(MAGISTRATE JUDGE CARLSON)

MEMORANDUM ORDER

On February 1, 2016, Plaintiff Wilbert Eugene Hackley filed the Complaint in this action. (Doc. 1) The case was referred to Magistrate Judge Carlson. On February 3, 2016, Magistrate Judge Carlson issued a Report and Recommendation (Doc. 7) recommending that Plaintiff be granted leave to proceed *in forma pauperis* and that the Complaint be dismissed without prejudice. Objections to the Report and Recommendation were due on February 22, 2016. No objections were filed.

Instead, however, on February 22, 2016, Plaintiff filed an Amended Complaint. (Doc. 6) In light of this new filing, **IT IS HEREBY ORDERED** that:

- (1) The Report & Recommendation (Doc. 7) is **ADOPTED**;
- (2) Plaintiff's motion for leave to proceed *in forma pauperis* (Doc. 2) is **GRANTED**;
- (3) The original Complaint (Doc. 1) is **DISMISSED**;
- (4) The matter is **RECOMMITTED** to Magistrate Judge Carlson for consideration of the Amended Complaint. (Doc. 10)

March 4, 2016
Date


A. Richard Caputo
United States District Judge